

Jeffrey S. Pope (Wyo. State Bar # 7-4859)
Kasey J. Schlueter (Wyo. State Bar # 8-6521)
HOLLAND & HART LLP
2020 Carey Avenue, Suite 800
P.O. Box 1347
Cheyenne, WY 82003-1347
Telephone: 307.778.4200
Facsimile: 307.778.8175
JSPope@hollandhart.com
KJSchlueter@hollandhart.com

ATTORNEYS FOR PLAINTIFFS
MO POW 3, LLC AND MO POW 4, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

MO POW 3, LLC and MO POW 4, LLC,

Plaintiffs,

v.

CRYPTO INFINITI LLC,

Defendant.

Civil Action No. 1:22-CV-155-KHR

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO FILE EXPERT
DESIGNATIONS**

Plaintiffs MO POW 3, LLC and MO POW 4, LLC (collectively “MO POW”), by and through undersigned counsel, respectfully request an extension of time up to and including October 18, 2024, in which to file their Expert Designations pursuant to Fed. R. Civ. P. 26(a)(2) and this Court’s Order Re Status Conference and Scheduling. In support of this Motion, MO POW states the following:

1. This is MO POW’s first request for an extension of the Court’s deadline to file its Expert Designations. Indeed, it is MO POW’s first request to extend any deadline in this case. The requested deadline will not unduly delay the proceedings or prejudice Defendant, as no trial

date has been set and MO POW offered a reciprocal extension of time for Defendant's Expert Designations.

2. The current deadline for MO POW to file its Expert Designations is October 4, 2024. MO POW has been working to gather the information necessary for its selected expert to produce a report that meets the requirements of Rule 26. MO POW and its expert are close to completing the report. But in the course of preparing the report, questions arise and additional documents are necessary. Simply put, it is an iterative process that MO POW, its expert, and counsel have been working through over the last month.

3. Recently, documents were needed that MO POW's general counsel had custody of. The general counsel's family lives in the path that Hurricane Helene took, which resulted in the general counsel's need to assist his family impacted by Hurricane Helene. By extension, he was unable to gather and transfer the needed documents. This resulted in a delay for MO POW's expert to receive and communicate about pertinent documents for the expert report. MO POW anticipates with an additional two weeks it will be able to deliver the documents and allow the expert to complete his report. Should the documents or completion come sooner than two weeks, MO POW would file the designation and report sooner.

4. Counsel for MO POW certifies that MO POW conferred with counsel for Defendant regarding this Motion by telephone and email. On October 1, 2024, counsel for Defendant indicated by email that it objects to an extension for MO POW to file its Expert Designations, despite MO POW's counsel explaining a natural disaster caused the delay. MO POW's counsel was admittedly confused by the objection given the request was reasonable in time and justification. So MO POW's counsel asked Defendant's counsel for the basis of the

objection. Defendant's counsel indicated they believed MO POW had not been diligent in preparing the report and their client would suffer prejudice from the two-week extension.

5. MO POW is unable to discern what prejudice would arise from a two-week delay where the only other deadline in the case would be extended by two weeks. Likewise, MO POW is unable to discern the basis for Defendant believing it has not been diligent. As the Court will see from the expert report, the accounting and technical information used to forecast lost profits is complex. As such it takes time and discussion between the experts and MO POW representatives along with review of documents. MO POW certainly wishes that could have all been completed by Friday and without interference and disruption from Hurricane Helene. But that is not what happened. Two weeks is a small ask to ensure a fair and accurate expert report.

WHEREFORE, MO POW respectfully requests that the Court grant this Motion and enter an order extending MO POW's deadline to file their Expert Designations for fourteen (14) days, up to and including October 18, 2024.

A proposed order is filed contemporaneously herewith.

DATED: October 2, 2024.

/s/ Jeffrey S. Pope

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